IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 36270 of 2007(P)

ST.2/2007 of J.M.F.C.,KOYILANDY

.....

PETITIONER/COMPLAINANT:

T.K. LAKSHMI, D/O. PERACHAN
SREEKRISHNA, VELIYAPARAMBIL
MANNAMANGALAM, MOODADI POST
PIN: 673 325.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA

RESPONDENTS/ACCUSED:

DR. RENJINI SURENDRAN
EYE SPECIALIST, EYE DEPARTMENT
MEDICAL COLLEGE HOSPITAL,
MEDICAL COLLEGE P.O., KOZHIKODE DT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON 06/12/2007 DELIVERED THE FOLLOWING:

R. BASANT, J.

- -

W.P.C.No. 36270 of 2007 P

- -

Dated this the 7th day of December, 2007

JUDGMENT

The petitioner is the complainant in a prosecution under Section 138 of the N.I. Act. The short grievance of the petitioner in this writ petition is that there has been an inaccuracy in the recording of deposition of the petitioner by the learned Magistrate. An application was field to re-call the petitioner to enable her to clarify the position. That application under Section 311 Cr.P.C. was dismissed by the learned Magistrate. The petitioner applied for a certified copy of that order. The same has not been received so far. The matter stands posted for judgment to this date. The petitioner has come to this Court for the issue of a direction to issue copy of the order and to direct that the disposal of the case be stayed until further orders.

2. The order, which is impugned, is an interlocutory order. Normally and ordinarily an interlocutory order must wait for its

challenge along with the final order in the proceedings. The petitioner will certainly have a right, if the same be necessary, to challenge the impugned order at later stages of the appeal/revision. I am satisfied in these circumstances that it is not necessary at this stage to invoke the powers under Article 226 of the Constitution.

3. This Writ Petition is accordingly dismissed, but making it clear that the dismissal of this writ petition will not in any way fetter the rights of the petitioner to challenge the impugned order in appropriate later proceedings, if such challenge be necessary.

(R. BASANT)
Judge

tm